

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

EDWARD SEELY, et al.,)	3:15-CV-0118-MMD (VPC)
)	
Plaintiffs,)	<u>MINUTES OF THE COURT</u>
)	
vs.)	December 15, 2016
)	
ISIDRO BACA, et al.,)	
)	
Defendants.)	
)	

PRESENT: THE HONORABLE VALERIE P. COOKE, U.S. MAGISTRATE JUDGE

DEPUTY CLERK: LISA MANN REPORTER: NONE APPEARING

COUNSEL FOR PLAINTIFF(S): NONE APPEARING

COUNSEL FOR DEFENDANT(S): NONE APPEARING

MINUTE ORDER IN CHAMBERS:

Plaintiffs' request to have Clerk issue subpoenas *duces tecum* (ECF No. 48) is **GRANTED**. The Clerk shall **ISSUE** two blank subpoenas and **SEND** them to plaintiffs.

Plaintiffs are proceeding in this action *in forma pauperis* (ECF No. 18). In the order granting *in forma pauperis* status, plaintiffs were advised that the order did "not extend to the issuance and service of subpoenas at government expense." *Id.* Local Special Rule 1-7. Witness fees are not costs the court will bear on behalf of an indigent litigant. *Dixon v. Ylst*, 990 F.2d 478, 480 (9th Cir. 1992). Moreover, the U.S. Marshal does not serve subpoenas in civil cases, even if payment is made. Therefore, plaintiffs will be responsible for making all arrangements for service, the expense of service, and the witness fee. *See Fed.R.Civ.P. 45; Tedder v. Odel*, 890 F.2d 210, 211-12 (9th Cir. 1989) (per curiam) (28 U.S.C. § 1915 does not entitle a plaintiff proceeding in forma pauperis to a waiver of witness fees for subpoenas).

IT IS SO ORDERED.

LANCE S. WILSON, CLERK

By: _____ /s/
Deputy Clerk